

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NORTH FACE APPAREL CORP., a
Delaware Corporation; and PRL USA
HOLDINGS, INC., a Delaware corporation,

Plaintiffs

v.

FUJIAN SHARING IMPORT & EXPORT
LTD. CO., d/b/a B2BSHARING.COM;
DONGPING LIU a/k/a DONG PING LIU;
YUAN CHEN; ANDY HUANG; *et al.*

Defendants.

**CIVIL ACTION NO. 10-CIV-1630
(AKH)**

**DECLARATION OF TAMARA D.
TARBUTTON IN SUPPORT OF
PLAINTIFFS' APPLICATION FOR A
SUPPLEMENTAL ORDER TO
DISABLE AND TRANSFER
DEFENDANTS' NEWLY-DETECTED
DOMAINS**

TAMARA D. TARBUTTON, under penalty of perjury, declares and says:

1. I am a private investigator licensed by the State of North Carolina and employed by Vaudra, Ltd. ("Vaudra"), a North Carolina-based investigation company. I have been employed as a private investigator, focusing on trademark infringement for the past seven years. I have been employed by Vaudra since March 2004. I have participated in and/or conducted hundreds of trademark investigations involving counterfeit goods, including those sold on the Internet. I am familiar with investigations regarding counterfeit apparel, accessories, and other goods.

2. I submit this declaration in support of The North Face Apparel Corp. ("The North Face") and PRL USA Holdings, Inc.'s ("Polo Ralph Lauren") (collectively,

“Plaintiffs”) Application for a Supplemental Order to Disable And Transfer Defendants’ Newly-Detected Domains.

3. The following are actions undertaken by Vaudra, myself, or in conjunction with other investigators. If called upon as a witness, I could testify to the following from personal knowledge and/or a review of business files.

4. I am familiar with products bearing Plaintiffs’ trademarks and have conducted hundreds of investigations into the sale of counterfeit products falsely bearing Plaintiffs’ trademarks (“Counterfeit Products”).

5. Since this Court entered its Amended Judgment and Permanent Injunction Order on December 2, 2010 (“Amended Judgment and Permanent Injunction”), Vaudra has continued to investigate Defendants (as defined in the Amended Judgment and Permanent Injunction) and their Internet activities.

6. Our investigations, through use of domain name registration tracking tools and other methodologies, have uncovered two-hundred and eighty-three (283) new and previously undiscovered websites and domain names belonging to Defendants, and used and/or registered for use in conjunction with Defendants’ sale of Counterfeit Products (“Newly-Detected Domains”), including but not limited to those listed in Exhibit A attached hereto.

7. A large proportion of the Defendants’ Newly-Detected Domains incorporate Plaintiffs’ famous trademarks.

8. Even after being served with the Court’s Orders, including the Amended Judgment and Permanent Injunction, Defendants have continued to register new domain

names and launch new websites dedicated to the sale of Counterfeit Products. As one set of websites, domain names, and payment accounts is shut down, Defendants immediately attempt to move their operations to new websites, domain names, and payment accounts. Defendants register new domain names, many containing Plaintiffs' trademarks, at an alarming rate -- often several in a single day. Increasingly, Defendants are using privacy services to mask their identity and hide their contact information as it is displayed on the WhoIs database.

9. We have determined that Defendants' Newly-Detected Domains are commonly owned and operated by Defendants, because, among other things:

- a. Many of the websites associated with Defendants' Newly-Detected Domains use identical or very similar registration information, email addresses and content as previously-identified Defendants' websites.
- b. Counterfeit Products being offered for sale and sold on the websites associated with Defendants' Newly-Detected Domains are all of similar product types and bear similar irregularities to one another as well as those Counterfeit Products previously purchased from or pictured on Defendants' prior websites.
- c. Many of the websites associated with Defendants' Newly-Detected Domains use identical photographs, product descriptions, pricing, layout, site navigation, hosting, IP addresses, customer registration interface, contact information and/or registration information.
- d. Many of the websites associated with Defendants' Newly-Detected Domains redirect users to other Defendants' Newly-Detected Domains and/or other websites that have previously been identified as operated or controlled by Defendants.

10. I have also specifically examined the registrant address provided in the WhoIs information for Defendants' Newly-Detected Domain cheap-north-face.org. I have determined that the purported address associated with this domain is incomplete and/or false because the listed address, "changsha tai ping jie, changsha, hunan, CN 410005," does

not contain a valid building number or street name. Additionally, I have determined that the registrant's purported telephone and fax number, listed as "+86.1333333355," is not an operational phone number.

11. I also specifically examined the address listed in the WhoIs information for Defendants' Newly-Detected Domain poloralphlaurenoutletonline.org and determined that this address is incomplete and/or false. I have identified this purported address as incomplete and/or false because the listed address, "shanghai zhenbenlu, shanghai, shanghai, CN 210000," does not contain a valid building number or street name.

12. I have also examined the contact information listed on the websites associated with Defendants' Newly-Detected Domains and determined that a majority of these websites fail to provide a physical address where the business is located or a phone number where the business may be contacted.

I declare under penalty of perjury that, to the best of my knowledge and belief, the foregoing is true and correct. Executed in Charlotte, North Carolina on August 26, 2011.



TAMARA D. TARBUTTON